IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2006

CORAM

THE HONOURABLE MR. JUSTICE P.SATHASIVAM

C.R.P.(PD)No.735 of 2006
& CMP No.7064 of 2006

Abdul Rawoof .. Petitioner/Petitioner/Tenant

Vs.

K.Shanmugasundaram .. Respondent/Respondent/Landlord

Civil Revision Petition filed under Article 227 of the Constitution of India against the order and decreetal order dated 16.02.2006 and made in I.A.No.309 of 2005 in R.C..O.P.No.53/01 on the file of the Principal District Munsif (Rent Controller), Coimbatore.

For petitioner : Mr.N.Isthiaq Ahmed
For respondent : Mr.N.Manoharan

ORDER

Heard learned counsel for the petitioner as well as the respondent.

2. The main grievance of the petitioner is that the court below is not justified in dismissing his petition for appointment of second Advocate Commissioner for inspection and report. It is not in dispute that under the orders of the Court, the Commissioner was appointed and he inspected and submitted a report. In such circumstances, even if the petitioner has any grievance regarding the report of the Commissioner,he is free to file his objection and in that event, the same will be considered by the Court below. As rightly pointed out by the learned Rent Controller, the Rent Control Petition for eviction is pending from 2001 onwards. In such circumstances, there is no need to appoint another Commissioner. Further, the parties cannot depend only on the evidence of the Commissioner. It is for them to prove their respective case by placing accepted evidence. The Commissioner's Report may be a piece of evidence. All the above mentioned relevant aspects have been considered by the learned District Munsif and the learned District Munsif rightly dismissed. There is no error or infirmity in the order. The Revision fails and the same is dismissed. Taking note of the fact that RCOP is pending from 2001, the Rent Controller is

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directed to dispose of the same in accordance with law within a period of four months from the date of receipt of a copy of this order. The connected C.M.P.No.7064 of 2006 is also dismissed.

ajr

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

The Principal District Munsif and Rent Controller, Coimbatore.

+ one cc to Mr.N.Manokaran, Advocate Sr.No.27463.
+ one cc to Mr.N.Ishtiq Ahmed, Advocate Sr.No.27586.

JE (CO)
RSM/4.7.2006

CRP PD No.735 of 2006

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